

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Shawn M. Murphy

v.

Civil No. 08-cv-34-PB

United States of America, et al.

O R D E R

Shawn Murphy asserts that he has sued Stephen J. Langs only in his official capacity. Accordingly, Langs' challenge to the sufficiency of service on Langs in his individual capacity is moot. Langs' arguments that the court lacks personal and subject matter jurisdiction over the claims against him, and his argument that the complaint fails to state a viable claim for relief, have not been sufficiently developed to permit their resolution by the court. The motion to dismiss (Doc. No. 10) is denied without prejudice.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

May 7, 2008

cc: Robert A. Shaines, Esq.
Carol L. Shea, Esq.
Martha Van Oot, Esq.